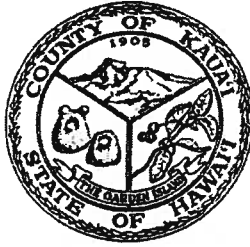


COUNTY COUNCIL

Jay Furfaro, Chair
JoAnn A. Yukimura, Vice Chair
Tim Bynum
Dickie Chang
KipuKai Kualii
Nadine K. Nakamura
Mel Rapozo



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk

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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kauai, Hawaii 96766

MEMORANDUM

October 11, 2012

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Jay Furfaro, Council Chair
RE: OCTOBER 10, 2012 COUNCIL MEETING

This is to inform you of the action taken by the Council at its October 10, 2012, Council Meeting and any follow-up that was requested:

SPECIAL ORDER OF THE DAY:

C 2012-336 Communication (07/20/2012) from the Prosecuting Attorney, requesting Council approval to apply, receive and expend State of Hawai'i, Office of Youth Services funds for the Keiki P.O.H.A.K.U. Diversion Program in the amount of \$35,000.00, and approval to indemnify the State of Hawai'i, Office of Youth Services for the term commencing August 15, 2012. (Pursuant to Council Rule 5(C), Council absence at 10/03/2012 Special Council Meeting, insufficient votes to carry a motion, special order of the day at the next meeting.) **(Approved.)**

CONSENT CALENDAR:

C 2012-391 Communication (09/26/2012) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal, relating to the request for the Prosecuting Attorney to apply for, receive and expend Non-Compliant Sexual Offender Unit Federal Funds, due to his employment with the YWCA. **(Received for the record.)**

C 2012-392 Communication (09/13/2012) from Councilmember Bynum providing written disclosure of a possible conflict of interest and recusal, relating to C 2012-389 and ES-576 on the October 3, 2012 Special Council Meeting regarding Tim Bynum vs. County of Kauai, et. al., Civil No. CV12-00523 RPL (U.S. District Court). **(Received for the record.)**

C 2012-406 Communication (09/13/2012) from the County Engineer, transmitting for council consideration a traffic resolution which establishes, "No Parking At Any Time - Fire Lane" and "Tow Away Zone" at the County of Kaua'i's Pi'ikoi and Kāpule Buildings at the Līhu'e Civic Center, Līhu'e District
(Received for the record.)

C 2012-393 Communication (09/10/2012) from the Planning Director, transmitting for consideration, the Planning Commission's recommendation to amend the conditions in Ordinance No. PM-175-88, Princeville, Kaua'i, Tax Map Key No.: (4) 5-4-024:020 (Princeville SC Development, LLC Applicant.)
(Received for the record.)

C 2012-394 Communication (10/03/2012) from Council Chair, transmitting for the consideration A Proposed Draft Bill For An Ordinance Regarding Article 1, Chapter 19 of the Kaua'i County Code 1987 As Amended, Relating To Parks and Recreation – Prohibiting Fishing At Lydgate Beach Park Pond. **(Received for the record.)**

C 2012-395 Communication (10/03/2012) from Councilmember Yukimura and Councilmember Bynum, transmitting for the consideration a Bill For An Ordinance Relating To The Public Access, Open Space, and Natural Resources Preservation Fund to increase the annual allocation to the Fund from a minimum of one-half of one percent (0.5%) to one and one-half of one percent (1.5%) of the County's certified real property tax revenue. **(Received for the record.)**

C 2012-396 Communication (10/03/2012) from Councilmember Nakamura, providing written disclosure of a possible conflict of interest and recusal relating to C 2012-393 and Proposed Draft Bill No. 2451 regarding Princeville SC Development, LLC because her husband provided legal representation to the parties in this matter. **(Received for the record.)**

C 2012-407 Communication (10/04/2012) from Councilmember Bynum, providing written disclosure of a possible conflict of interest and recusal relating to C 2012-336 regarding the Keiki P.O.H.A.K.U. Diversion Program due to his involvement in Tim Bynum vs. County of Kaua'i, et. al., Civil No. CV12-00523 RPL (U.S. District Court). **(Received for the record.)**

COMMUNICATIONS:

C 2012-375 Communication (08/21/2012) from the Chief of Wastewater Division, requesting Council approval to apply for, receive, and expend Federal Environmental Protection Agency (EPA) grant funds in the amount of \$970,000.00, with a 45% local (County in-kind) and 55% Federal match, for final design and construction following completion of the NEPA document, and planning and preliminary design work for the Waimea Wastewater Treatment Plant Expansion R-1 Distribution System. **(Approved)**

C 2012-376 Communication (08/24/2012) from the Environmental Services Management Engineer, requesting Council approval to accept a one-year trial of the "Catalog Choice for Communities" program valued at \$3,500.00 to assist Kaua'i County residents with eliminating unwanted mailings through a web-based opt-out system, free of charge with no obligation to renew for a second year. **(Approved)**

C 2012-379 Communication (08/29/2012) from the Environmental Services Management Engineer, requesting Council approval to accept a grant not to exceed \$100,000.00 from the State Department of Health for Electronic Device Recycling including community collections, education and outreach, and reporting activities. **(Approved)**

C 2012-397 Communication (09/24/2012) from the Director of Finance, transmitting the Condition of the County Treasury Statement quarterly report as of August 13, 2012. **(Received.)**

C 2012-398 Communication (08/23/2012) from the Chief of Police, requesting Council consideration and approval to accept a donation of twelve (12) sunglasses with a built in bi-focal feature to enhance Police Officer safety, from Licia McDonald, Marketing and Sales Representative of Hawaiian Lenses. **(Approved with Thank-you letter.)**

C 2012-399 Communication (09/4/2012) from the Chief of Police, requesting Council approval to expend approximately \$140,000.00 in assest forfeiture funds (Acct No. 206-1001-551.30-00) to purchase an Evidence Collection Vehicle, which will replace the 2002 Ford Explorer with vehicle mileage of 148,466. **(Approved)**

C 2012-400 Communication (09/05/2012) from the Chief of Police, requesting Council approval to accept and expend S.T.O.P. Violence Against Women Grant funds in the amount of \$63,871.00 to be used for a Sexual Assault Nurse Examiner (SANE) Coordinator, non-reporting SANE examinations, and SANE standby pay, and to indemnify the State of Hawai'i, Department of the Attorney general. **(Approved)**

C 2012-401 Communication (09/11/2012) from the Civil Defense Agency, requesting Council approval to receive and expend grant funds from the U.S. Department of Homeland Security, via the State of Hawai'i Department of Defense in the amount of \$359,925.00, to be used for the FY 2012 State Homeland Security Program which will enhance the capability of State and local units of government to prevent, deter, respond to and recover from, threats and incidents of terrorism, and to continue to provide support to the Citizen Corps Councils. **(Referred to Public Safety & Environmental Services Committee with an Executive Session to be posted in the Committee of the Whole.)**

C 2012-402 Communication (09/20/2012) from the Executive on Aging, requesting Council approval to receive and expend State of Hawai'i funds and to indemnify the State of Hawai'i Executive Office on Aging (for additional Kupuna Care funding from the State Legislature in the amount of \$275,946.00). **(Approved)**

LEGAL DOCUMENTS:

C 2012-385 Communication (08/28/2012) from the Civil Defense Manager, recommending Council approval for the second amendment, five (5) year lease agreement between the County of Kaua'i and Bank of Hawai'i, Trustee of the Kukuilono Park Trust Estate, which extends the lease of the County's 800 MHz radio site located at Kukuilono Park in Kalāheo, Kaua'i, Hawai'i, for emergency radio communications for the County of Kaua'i, which license fee will be paid in incremental increases of three percent (3%) each year for the five (5) year period commencing July 1, 2012.

- Second Amendment of License Agreement

(Deferred with an Executive Session to be posted for the 10/24/2012 Council Meeting.)

C 2012-403 Communication (09/26/2012) from the Director of Parks & Recreation, recommending Council approval to make adjustments to the Lydgate-Kapa'a Shared-Use Path Kapa'a Sands Purchase Agreement, which was approved at the July 28, 2010 Council Meeting, which will result in the anticipated savings of approximately \$17,000.00 for the facility relocation services required in the Purchase Agreement.

- Purchase Agreement (TMK 4-4-3-02:02)

(Approved)

CLAIMS:

C 2012-404 Communication (09/17/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Allstate Insurance Company as subrogee Larry Morris, for damage to his vehicle, pursuant to Section 23.06 Charter of the County of Kaua'i. **(Referred to the County Attorney's Office.)**

C 2012-405 Communication (09/17/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Hawai'i Telecom, for damage to their facility, pursuant to Section 23.06, Charter of the County of Kaua'i. **(Referred to the County Attorney's Office.)**

COMMITTEE REPORTS: (Approved)

RESOLUTIONS:

Resolution No. 2012-53, RESOLUTION ESTABLISHING A NO-PARKING AT ANY TIME-FIRE LANE AND A TOW AWAY ZONE AT THE COUNTY OF KAUAI'S PI'IKOI AND KĀPULE BUILDINGS, LĪHU'E CIVIC CENTER, LĪHU'E DISTRICT, COUNTY OF KAUAI **(Approved)**

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2451) – A BILL FOR AN ORDINANCE REGARDING AMENDING ZONING CONDITIONS IN ORDINANCE NO. PM-175-88, RELATING TO ZONING DESIGNATION IN PRINCEVILLE, KAUAI (Princeville SC Development, LLC, Applicant) **(Approved on First Reading, Public Hearing Scheduled for 11/14/12, Referred to Planning Committee.)**

Proposed Draft Bill (No. 2452) – AN ORDINANCE ADDING A NEW SECTION TO ARTICLE 1, CHAPTER 19 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION (Prohibiting Fishing at Lydgate Beach Park Pond) **(Approved on First Reading, Public Hearing Scheduled for 11/14/12, Referred to Finance/Parks & Recreation/Public Works Programs Committee.)**

Proposed Draft Bill (No. 2453) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND **(Approved on First Reading, Public Hearing Scheduled for 11/14/12, Referred to Planning Committee.)**

BILLS FOR SECOND READING:

Bill No. 2443 - A BILL FOR AN ORDINANCE AMENDING SECTION 6-5.1 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PAYMENT TO COUNTY BY CHECK OR NEGOTIABLE INSTRUMENT, SUBSEQUENTLY DISHONORED (Cost Control Commission Recommendation) **(Approved)**

Bill No. 2445 - AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$310,000.00 – Transportation Agency, Vehicles Automobiles) **(Approved)**

Council Meeting Follow-up Memo to the Mayor
October 11, 2012
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Bill No. 2449 - AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI , STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY ADDING A NEW BUDGET PROVISIO AND AMENDING AN EXISTING BUDGET PROVISIO IN THE CAPITAL BUDGET RELATING TO PROJECTS FUNDED WITH COMMUNITY FACILITIES DISTRICT BONDS **(Approved)**

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

Copy: Council

Via: e-mail: KCT Department Heads

KCT CCs

Staff